APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,880	11/02/2001	Jeffrey T. Eschbach	D2804	4826

			EXAMINER
43471	7590	07/14/2006	SON, LINH L D

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ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2006*.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This Office Action is responding to the RCE received on 05/12/06.

2.   Claims 1-27 are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 7-9, 11, 14-17, 19-21, and 23-27 are rejected under 35 U.S.C. 102(e)

as being anticipated by Lin et al, US Patent No. 6603849, hereinafter "Lin".

5.   As per claims 1, and 17:

Lin discloses "A method of seamlessly transferring a communication session between a

first device and a correspondent device on an IP network from the first device to a

second device, the method comprising:

        initiating a session between the correspondent device (H.323 endpoint 125) and

the first device (gateway 180) having a first device IP address, and being configured to

allow a user to receive or send the communication session therefrom, whereby the

correspondent device is able to communicate with the first device during the

communication session;" in (Col 2 line 65 to Col 3 line 15);

"negotiating to transfer the session from the first device (Gateway 180) to a

second device (alternate endpoint), the second device being configured to allow a user

to receive or send the communication session therefrom" in (Col 4 lines 25-55, and Col

5 lines 20-43);

"and transferring the first device IP address session from the first device to the

second IP address session on another device so that data transferred from the

correspondent device to the first device via the address thereof will be received by the

second device" in (Col 4 line 64 to Col 5 line 35, and Col 5 lines 20-43).

6.   As per claim 7:

Lin discloses "A method according to claim 6, wherein the method further comprises:

authenticating the notice from the first device to the Agent to ensure that the first device

is the source of the notice" in (Col 2 lines 65 to Col 3 line 7).

7.   As per claim 8, 11, 13, and 23:

Lin discloses "The method of claims 6, 9, 11 and 21, wherein the negotiation further

comprises: identifying whether the second device can transfer the session on to another

device so that the second device cannot improperly transfer the session to another

device unless such permission has been previously given" in (Lin, Col 3 lines 1-7, Col 3

lines 48-62, and Col 4 lines 25-45).

8.   As per claim 9:

Lin discloses "A method of seamlessly transferring [[a]] an ongoing communication

session between a first device and a correspondent device on an IP network from the

first device to a second device, the method comprising:

requesting the initiation of a communication session between the correspondent

device and the first device, the first device being configured to allow a user to receive or

send the communication session therefrom, whereby the correspondent device is able

to communicate with the first device during the communication session;" in (Col 2 line

65 to Col 3 line 15);

"generating an IP address specifically for initiating the communication session

between the correspondent device and the first device; initiating the session between

the correspondent device and the first device using the session specific IP address" in

(Col 3 lines 15-25);

"registering a desire to transfer the communication session from the first device

to a second, the second device being configured to allow a user to receive or send the

communication session therefrom" in (Col 3 lines 49-62);

and "transferring the communication session specific IP address from the first

device to the second device so that data transferred from the correspondent device to

the first device via the address thereof will be received by the second device" in (Col 4

lines 25-45, and Col 5 lines 20-43).

9.   As per claim 14:

Wada discloses "A method according to claim 9, wherein the method further comprises:

notifying the second device of any information that is needed to maintain use of the

session specific IP address so that the session specific IP address will continue to work

throughout the session transfer" in (Col 5 lines 60-65).

10.   As per claim 15:

Lin discloses "A method according to claim 9, wherein the first device and second

device are on the same subnet and the method further comprises: intercepting the

session addressed to the first device at the session specific IP address via the second

device" in (Col 5 lines 55-67).

11.   As per claim 16:

Wada discloses "A method according to claim 15, wherein the interception of the

session comprises: using a Proxy ARP message to bind a link-layer address associated

with the second device to the session specific IP address" in (Col 3 lines 55-62).

12.   As per claim 19:

Lin is silent on "the method further comprises: releasing the session specific IP address

once the session has ended so that the address can be reused for future sessions" in

(Col 5 lines 55-65).

13.   As per claims 20:

Lin discloses "A system for transferring [[a]] an ongoing communication session in an IP

network from a first node to a second node via use of an IP address without disrupting

the communication session, the method comprising:

initiating a communication session request between a first node (gateway 180)

and a Correspondent Node (H.323 endpoint 125) using base IP addresses for the

nodes, the first node being configured to allow a user to receive or send the

communication session therefrom" in (Col 2 line 65 to Col 3 line 15);

"generating a communication session specific IP address with which the

communication session will be associated; initiating a communication session between

the first node and the Correspondent Node using the session specific IP address" in

(Col 3 lines 15-25);

"negotiating a transfer of the session specific IP address from the first node to a

second node such that the second node will generally assume communicating with the

Correspondent Node, the second node being configured to allow a user to receive or

send the communication session therefrom, whereby the correspondent device is able

to communicate with the first device during the communication session" in (Col 4 lines

25-45, and Col 5 lines 20-43);

"generating a Proxy ARP message to bind a link-layer address associated with

the second node to the session specific IP address so that the second node can

intercept the communications pertaining to the session specific IP address" in (Col 3

lines 49-62, and Col 5 lines 20-43);

and "intercepting the communications addressed to the session specific IP

address via the second node such that the communication session with the

Correspondent Node continues without interruption." in (Col 4 lines 25-55, and Col 4

line 64 to Col 5 line 35).

14.   As per claims 21:

Lin discloses "A system for transferring a communication session between a

Transferring Node and a Correspondent Node from the Transferring Node to a Target

Node without disrupting the communication session, the method comprising:

       initiating a communication session request between a Correspondent Node and

a Transferring Node by having the Correspondent Node contact the Transferring Node

via a permanent IP addresses assigned to the Transferring nodes, the Transferring

node being configured to allow a user to receive or send the communication session

therefrom, whereby the correspondent device is able to communicate with the first

device during the communication session" in (Col 2 line 65 to Col 3 line 15);

       obtaining a specific IP address for the initialized communication session;

mapping the session specific IP address to the Transferring Node's permanent IP

address; notifying the Correspondent Node of the session specific IP address for the

initialized communication session;

       communicating between the Correspondent Node and the Transferring node via

the session specific IP address" in (Col 3 lines 15-25);

"and transferring the session specific IP address from the Transferring Node to the Target Node when a session transfer is ready to occur, the Target node being configured to allow a user to receive or send the communication session therefrom" in (Col 4 lines 25-55, Col 4 line 64 to Col 5 line 35, and Col 5 lines 20-43).

15.   As per claims 24-27:

Lin discloses "A system for seamlessly transferring a communication session between different devices on an IP network occurring between a remote information source and one of the devices, the system comprising:

a first device having a first IP address that is used to direct packets intended for receipt by the first device from the remote source over the network to the first device, the first device being configured to allow a user to receive or send the communication session therefrom, whereby the correspondent device is able to communicate with the first device during the communication session" in (Col 2 line 65 to Col 3 line 15);

"a second device having a second IP address that is used to direct packets intended for receipt by the second device from the remote source over the network to the second device, the second node being configured to allow a user to receive or send the communication session therefrom;

a switch associated with the first device and the second device operable to enable the second device to receive at least certain ones of the packets intended for the first device from the remote information source for seamless session transfer between the device in (Col 4 lines 25-55, and Col 5 lines 20-43);

"an Agent (Gateway Mobile Switching Center) for intercepting the sessions of

communication directed to the first device at the first IP address and transferring these

sessions to the second device; an IP address generator for generating a session

specific IP address which the remote information source and the first device use to

conduct the session of communication; and a session specific IP address generated by

the IP address generator" in (Col 5 lines 20-43).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lin et al, US Patent No. 5517618, hereinafter "Lin".

18.   As per claim 5:

Lin discloses "A method according to claim 1". However, Lin does not explicitly teach

"the method further comprises: generating a wake-up message once the communication

session is no longer to be transferred causing the first device to resume receiving

communication sessions addressed to its IP address".

Nevertheless, Lin teaches the wake-up message, which is the message use to notify the gateway to re-route the communication to an alternative IP address (Col 5 lines 20-35).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that an update message can also be used to stop the re-routing setup, so that the communication on the first can resume to receive incoming communication (Col 3 lines 50-65).

19.   As per claim 10:

Lin discloses "A method according to claim 9, wherein the method further comprises: requesting the initiation of a session between the correspondent device and the first device via use of a permanent IP address associated with the first device". However, Lin does not explicitly teach on "allowing the first device to participate in additional communication sessions after the transfer of the session from the first device to the second device has occurred via the first device's permanent IP address".

Nevertheless, as rejected in claim 5, Lin does disclose the wake-up message, which is the message use to notify the gateway to re-route the communication to an alternative IP address (Col 5 lines 20-35).

Therefore, it would have been obvious at the time the invention was made for one having ordinary skill in the art to realize that the update message can also be modified to send an update to the gateway to end the forwarding session, which will allow the end communication device to receive new communication session.

20.   Claims 2-4, 6, 12, 18, and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lin in view of Johnston, US/6373946.

21.   As per claims 2-4, 6, 12, 18, and 22:

Lin discloses "A method of claims 1-2, and 21, wherein the transfer of the session

further comprises: negotiating the session transfer between the Transferring Node and

the Target Node" in (Col 4 lines 25-55); *generating a random number to serve as a*

session key as a result of the negotiating; encrypting the session key via a security

association between the Transferring Node and an Agent; and transmitting the

encrypted session key between the Transferring Node and the Target Node; notifying

the Agent that the communication session is being transferred from the Transferring

Node to the Target Node in (Col 4 lines 28-45); "authenticating the transfer notification

by having the Agent verify that the Transferring Node sent the transfer notification;

intercepting the session communications intended for the Transferring Node via the

Agent" in (Col 4 lines 60 to Col 5 line 25, and Col 3 lines 6-15); *and tunneling the*

session communications intended for the Transferring Node to the Target Node via the

Agent.

However, Lin does not teach "*generating a random number to serve as a session key*

as a result of the negotiating; encrypting the session key via a security association

between the Transferring Node and an Agent; and transmitting the encrypted session

key between the Transferring Node and the Target Node; and tunneling the session

communications intended for the Transferring Node to the Target Node via the Agent.

Nevertheless, Johnston discloses the "Communication Security" invention, which

includes a method of encrypting a communication link between terminal 2a through a

base station 15 to terminal 2b utilizing an random number as an session encryption key.

The random session key and each terminal enciphering key (ka, kb) are calculated to

derive a partial key (K_{pa}, K_{pb}). Once the random session key got derived back from the

partial key sent from the base station, a secure communication channel or a tunnel can

be setup to transmit data between the terminal 2a and terminal 2b (Col 9 lines 53 to Col

10 line 28).

Therefore, it would have been obvious at the time of the invention was made for one

having ordinary skill in the art to modify Lin's invention to incorporate Johnston's

communication security invention to provide a secure communication between the

transferring node and the target node.

Response to Arguments

22.   Applicant's arguments filed 5/12/06 have been fully considered but they are not

persuasive.

23.   .In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., page 14 of the remark) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24.   Examiner interprets the communication session as to any sending and receiving

data information from one endpoint to a destination. The corresponding end

point and the first end point with respect to "Lin" are respectively (H.323 endpoint

125) and (Gateway 180). Therefore, Lin and Johnson still anticipate the claimed

invention.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Linh LD Son whose telephone number is 571-

272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135

HOSUK SONG
PRIMARY EXAMINER